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Lynne Finley
District Clerk
Collin County, Texas
By Tatiana Ortega Deputy

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CAUSE NO. 417-53803-2020

IN THE INTEREST OF	**§**	**IN THE DISTRICT COURT**
	§	
S.L., J.L, AND L.L.,	**§**	**417TH JUDICIAL DISTRICT**
	§	
CHILDREN	**§**	**COLLIN COUNTY, TEXAS**

MOTION TO MODIFY TEMPORARY ORDERS

COMES NOW, Rachel Li, Amicus Attorney, who respectfully requests the Court modify the Temporary Orders. In support, Movant would show the following:

1. On August 19, 2020, the Court appointed Movant as Amicus Attorney to represent the best interest of the children.

2. On August 20, 2020 the Court clarified to the Amicus Attorney, with the consent of counsel for each party, that the children were to be returned to the Respondent, Mother, at 6:00 p.m. on Tuesday, August 25, 2020 at the Frisco Police Department in Frisco, Texas.

3. The Amicus Attorney then took the following actions to determine the best interest of the children:

   a. On August 22, 2020, the Amicus conferenced with the CPS FBSS worker and CPS Investigator, and analyzed documents received from them.

   b. On August 22 and 23, 2020, the Amicus interviewed the Petitioner, Father, Respondent, Mother, Mother's fiancé, and maternal grandmother.

   c. On August 24, 2020 the Amicus attorney interviewed the children and observed the Respondent, Mother with the children.

d. The Amicus Attorney has reviewed the exhibits and documents presented to her by both parties.

4. In interviewing the parties, the children, and the collateral witnesses the Amicus Attorney believes that the children were not adequately cared for while in the possession of the Petitioner, Father. The children did not attend school while in the possession of father, except for one day for a short period of time. The eldest child was subjected to at least five different physicians for examination of sexual abuse during Petitioner, Father's period of extended summer possession. The Court ordered Petitioner Father to return the eldest child to Respondent, Mother on August 18, 2020. The exchange did not occur due to the violent behavior of the child and Petitioner, Father's passive condonement.

5. On August 24, 2020, the child made an unsolicited outcry of sexual and physical abuse to the Amicus. However, the child also reported having been examined by multiple persons and having made outcries of abuse to at least five other people, including one person the night before the interview. The children were previously forensically interviewed by law enforcement or their agents and no outcry of abuse was made but made other statements about Petitioner's care that were extremely concerning. Two of the children appeared to be coached prior to the interviews with the Amicus. During the interview with the child the Amicus determined some statements made by the eldest child were blatantly false, and when confronted, the child admitted to giving false information. Including the number of times the child has been interviewed by medical professionals, social workers, forensic interviewers, and other unknown persons, it is impossible to determine whether the child is being truthful. In addition to all of the reasons herein, observations of the child, and information received from the child is extremely alarming, and the Amicus has concerns for the children's immediate emotional health and safety while in Petitioner,

Father's care.

6. On August 25, 2020 the Amicus observed and assisted in the return of the children from the Petitioner Father to the Respondent Mother at the designated time. The exchange was again met with violent resistance from the eldest child and passive condonement of Petitioner, Father. The child eventually became violent towards the mother and the Amicus, and Respondent Mother had to physically restrain the child. Police officers from the Frisco Police Department were present and did not interfere other than to attempt to calm the child. The younger children were present and observed most of the traumatic exchange of the eldest child. As a result, the Amicus has concerns for the younger children's emotional health and wellbeing.

7. An assessment of the eldest child was conducted by Carrie Wigginton, a licensed social worker, on August 26, 2020. Ms. Wigginton has concerns for the child and has requested that a psychological evaluation be conducted on the child. Counseling with Ms. Wigginton is scheduled for each week for the eldest child.

THEREFORE, the Amicus Attorney requests the following relief:

a. Appointing Respondent, Mother as the conservator with the following exclusive rights:
    i. The exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures.
    ii. The exclusive right to consent to psychiatric and psychological treatment of the children.
    iii. The exclusive right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children.
    iv. The exclusive right to make decisions concerning the children's education.
b. Abating the rights of Petitioner, Father, as follows:

i. The right of access to medical, dental, psychological, and educational records of the children.

ii. The right to consult with a physician, dentist, or psychologist of the child.

iii. The right to consult with school officials concerning the child's welfare and educational status, including school activities.

iv. The right to attend school activities, including school lunches, field trips, and performances.

v. The right to be designated on the children's records as person to be notified in case of emergency.

vi. The right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child.

vii. The right to consent to medical and dental care not involving an invasive procedure.

c. Ordering a psychological evaluation of the child, Sophie Long, with Dr. Blake Mitchell. Ordering the parents to equally pay the cost of the psychological evaluation by a date certain.

d. Appointing Carrie Wigginton as the counselor for the children, and prohibiting Petitioner, Father, and Respondent Mother from conferring or consulting with the appointed counselor, save and except permitting Respondent, Mother to schedule appointments as required by the counselor.

e. Prohibiting any medical examinations or forensic examinations of the children for sexual or physical abuse unless requested by law enforcement and approved by the Court.

f. Abate all possession and access, and communication (electronic or otherwise) with the children by Petitioner, Father.

g. Ordering Respondent, Mother to enroll in and complete an anger management course with Spero Counseling Services.

h. Ordering Petitioner and Respondent to execute all necessary releases pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508 to permit Rachel Li to obtain health care information regarding Petitioner and Respondent.

i. Prohibiting Petitioner, Father and Respondent, Mother from posting videos and photographs of the children on the internet, social media, or other media outlets during the pendency of the case.

j. Ordering Petitioner and Respondent to pay interim attorney's fees to the Amicus Attorney.

Prayer

The Amicus Attorney prays that the Court, in addition to the temporary restraining order and temporary injunction prayed for above, after notice and hearing, enjoining Petitioner and Respondent, in conformity with the allegations of this petition, from the acts set forth above while this case is pending.

The Amicus Attorney prays for attorney's fees, expenses, costs, and interest as requested above.

The Amicus Attorney prays for general relief.

The Amicus Attorney prays that the Court grant this *Motion to Modify Temporary Orders*.

Respectfully submitted,

By:

Rachel Li
Texas Bar No. 24056892

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Certificate of Service

I certify that a true copy of this document was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the representative attorney for each party on August 28, 2020.

Rachel Li

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